
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MOUNTAINEER INVESTMENTS, LLC,

Plaintiff,

v.

ANGELIQUE HOFER AND ANDREA
HOFER, *Individually and as executrix for
the estate of Mary Hofer, deceased,*

Defendants.

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CIVIL ACTION NO. 1:12-CV-94

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to an Order of Reference entered on May 11, 2012. Pending before the Court is the Plaintiff’s “Motion for Summary Judgment” against Defendant Andrea Hofer (Doc. Nos. 31, 32). The Court has received and considered the report (Doc. No. 35) of the magistrate judge, who recommends that the Court grant in part and deny in part the Plaintiff’s motion. On January 4, 2013, the Plaintiff filed a document described as a “Limited Objection/Request for Partial Reconsideration of Report and Recommendation of United States Magistrate” (Doc. No. 36). No other objections have been filed by either party to the magistrate judge’s report, and the Defendants in this matter have not filed a response to the Plaintiff’s “Limited Objection/Request for Partial Reconsideration.”

To the extent that the Plaintiff’s “Limited Objection/Request for Partial Reconsideration of Report and Recommendation of United States Magistrate” (Doc. No. 36) is an objection directed to this Court, the objection is without merit. After a de novo review of the magistrate judge’s report and recommendation, *see* FED. R. CIV. P. 72(b)(3), the Court concludes that the

magistrate judge correctly determined that the Plaintiff has failed to meet its summary judgment burden as to damages, attorneys' fees, and interest.

It is, therefore, **ORDERED** that the Plaintiff's "Limited Objection/Request for Partial Reconsideration of Report and Recommendation of United States Magistrate" (Doc. No. 36) is **OVERRULED**, the report of the magistrate judge (Doc. No. 35) is **ADOPTED**, and the Plaintiff's "Motion for Summary Judgment" against Defendant Andrea Hofer (Doc. Nos. 31, 32) is **GRANTED IN PART and DENIED IN PART**. Summary judgment is entered against Defendant Andrea Hofer pursuant to the Plaintiff's claim of a fraudulent conveyance from Donald Hofer to Andrea Hofer as defined by the Texas Uniform Fraudulent Transfers Act. The Court declines to enter summary judgment as to damages, attorneys' fees, and interest.

SIGNED at Beaumont, Texas, this 8th day of February, 2013.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE